

HOUSE BILL 3133
By Clem

AN ACT to amend Tennessee Code Annotated, Title 20,
relative to attorney fees and offers of judgment.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 20, Chapter 12, Part 1, is amended by adding the following language as a new section:

Section 20-12-145.

If the judgment of a circuit court, which is awarded to the prevailing party in a civil action, is less than the amount offered in any offer of judgment made by the non-prevailing party pursuant to Rule 68 of the Tennessee Rules of Civil Procedure, the non-prevailing party shall be entitled to an award of reasonable and necessary attorneys' fees in an amount not to exceed three thousand dollars (\$3,000). For purposes of this section, and notwithstanding §28-12-142 or any other law to the contrary, there is a presumption, subject to rebuttal only by clear and convincing evidence to the contrary, that the attorneys' fees incurred by a non-prevailing party are reasonable and necessary.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.